THE OATH

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THE OATH

The refusal to take an oath is one of the outstanding characteristics of us Mennonites; therefore it might be well to consider, from time to time, the importance of the oath and our personal attitude towards it.

In our discussion we shall follow the following topics:

I. The oath among the Hebrews.
II. The oath among other nations.
III. The oath and the Christian Church.
IV. The oath and the Mennonites.

I. THE OATH AMONG THE HEBREWS

"According to the ancient Jewish principle of jurisprudence the judicial oath was employed in civil cases only, never in criminal cases, and only in litigations concerning private property, never in those over sacerdotal property; and over movable but

not over immovable property. Later rabbinical law, however, imposes the oath even in the case of sacredotal and immovable property. Moreover, the oath was administered only in case no evidence, or only insufficient evidence was forthcoming on either side. But if there was ample evidence, documentary or oral, i. e. that of witnesses, in support of the statements of the litigants, or if claim and disclaimer were not positive, no oath could be imposed, according to the Biblical law." (Jewish Enc.)

Beside the judicial oaths there were also, employed freely in the everyday life, extra-judicial oaths. Cases of that kind we find very frequently in the Bible, and distinguish between three categories:

1. **The oath of agreement.** Examples of this category we find in the life of the patriarchs. So Abimelech, king of the Philistines, says to Abraham, Gen. 21:23-24, "Now, therefore, swear unto me here by God that thou wilt not deal falsely with me, nor with my son, nor with my son's son: but according to the kindness that I have done unto thee, thou shalt do unto me, and to the land wherein thou hast sojourned. And Abraham said, I will swear."

Other examples are the agreements between Isaac and Abimelech, Gen. 26:31; between Jacob and Esau, Gen. 25:33, and between Jacob and Laban, Gen. 31:53.

2. **The oath of promise.** An illustration of this is the promise of Abraham to Melchizedek, Gen. 14:22, "And Abraham said to the king of Sodom, I have lifted up mine hand unto the Lord, the most high God, the possessor of heaven and earth, that I will not take from a thread even to a shoe latchet, and that I will not take any thing that is thine."

In a similar way Eliezer, Abraham's chief servant, sweareth that he will not take a wife unto Isaac of the daughters of the Canaanites, Gen. 24:3. Compare also the covenant between Jacob and Joseph, Gen. 47:31, and Joseph and his brethren, Gen. 50:25. To this group belongs also the swearing of God himself. Gen. 24:7.

3. **The oath of adjuration:** Joshua 6:26 we read: "And Joshua adjured them at that time, saying, Cursed be the man before the Lord, that riseth up and buildeth this city of Jericho."

In I Sam. 14:24 the story of Saul tells us: "The men of Israel were distressed that day: for Saul had adjured the people saying, Cursed be the man that eateth any food until evening." Compare Deut. 27:15.

In spite of the fact that these last oaths deviate in some respect from the rest, they were considered to be binding. Concerning the oath of Joshua we read, for instance, in I Kings 16:34: "In his days did Hiel the Bethelite build Jericho: he laid the foundation thereof in Abiram his first born, and set up the gates thereof in his youngest son Sebug, according to the word of the Lord, which he spake by Joshua the son of Nun."

The Form of the Oath. 1. The form of the oath varied. The simplest form was to raise the right hand, Genesis 14:22; Deuteronomy 32:4; or to raise both hands, Daniel 12:7.

2. Another form is mentioned in Genesis 15. After God had promised Abram a son and the possession of Canaan, Abram said: "O Lord God, whereby shall I know that I shall inherit it? And he said unto him, Take me an heifer of three years old, and a she-goat of three years old, and a ram of three years old, and a turtledove, and a young pigeon. And he took him all these, and divided them in the midst, and laid each half over against the other; but the birds divided he not. . . . And it came to pass, that, when the sun went down, and it was dark, behold a smoking furnace, and a flaming torch that passed between these pieces. In that day the Lord made a covenant with Abraham." (9:18). A very similar ceremony is found among the Arabs. In the legal oath they use the word "qasam," which is related to "qasama," i. e. to divide into equal parts.

3. At the agreement between Abraham and Abimelech, (Gen. 21:28), Abraham gave him seven ewe lambs as a sign of the oath. In accordance with this event, to swear was also called "bound by seven." The Hebrew words used for swearing in the Bible are "alah" and "schebuah," of which the latter is related to "scheba" which means "seven." The place where they made this covenant was called Beer-Sheba, i. e., well of the oath.

4. A conspicuous custom when swearing was the laying of the hand of the one taking an oath below the hip of the one

receiving the oath. Abraham demanded this of Eliezer, when he sent that servant to get a wife for Isaac, (Genesis 24:2 & 3) and Jacob said to Joseph before his death: "If now I have found grace in thy sight, put, I pray thee, thy hand under my thigh, and deal kindly and truly with me; bury me not, I pray thee, in Egypt" (Gen. 47:29). The hip was considered exceptionally holy as the seat of the generative power and the sign of a covenant, and this act was to illustrate that the one taking an oath made himself responsible to the God of the covenant and to the following generations in case of possible perjury.

5. A fifth custom was to make a platform of stones. Concerning the agreement between Jacob and Laban we read, Gen. 31:43-47: "And Laban answered and said unto Jacob, . . . and now come, let us make a covenant, and I and thou; and let it be for witness between me and thee . . . And Jacob said unto his brethren, Gather stones; and they took stones, and made a heap; and they did eat there by the heap. And Laban called it Jegar-sahadutha; i. e., the hill of witness); but Jacob called it Galeed. (i. e., the heap of witness). And Labon said, This heap is witness between me and thee this day. Therefore was the name of it called Galeed." The Arabs had a similar custom. In addition to this they also sprinkled blood on the rocks.

Formulae of the oath. The authority by which the oath was taken was not always the same; consequently the formulae were also different. "Only the oath by God is expressly commanded in the Bible (Exodus 22:10-11; Hebr. 6:16). It is considered a testimony of the loyal devotion to God. (Deuteronomy 6:13, 10:20; Jer. 12:16, Isaiah 48:1). To this oath a special blessing of God is promised (Ps. 24:4; Isaiah 65:16). God swears by himself (Isaiah 43:23), by his soul (Amos 6:8), by his everlasting life, (Deut. 32:40), by his omnipotence (Isaiah 62:8), by his sanctity (Amos 4:2, Ps. 89:36), etc. Men swear by God and by his name (Exodus 22:10). (M. L.)

The Israelites swore not only by God but also by the king. (Gen. 42:15, II Sam. 11:11), by the life of the addressed person (I Sam. 1:26; 17:55, II Sam. 14:19). Jacob swore by the fear of his father Isaac (Gen. 31:54), by holy places, for

example by Jerusalem, Bethel, Sichem, by the temple, by the altar, by the sacrifice, by heaven, by the earth, etc. (comp. Math. 5:34, 23:16:22). The oath by one's own life, however, we do not find among the Israelites; that was how Jehovah swore (Hes. 33:11), but man should not put himself on the same level.

Expressions as the following were used as formulae for oaths:

1. "As the Lord liveth." This form is used most frequently. (Judges 8:9, I Sam. 14:39, I Sam. 19:6).

2. "God is witness betwixt me and thee." (Gen. 31:50; I Sam. 20:23, 42; Jer. 42:5).

3. "As the Lord liveth and as thy soul liveth." (I Sam. 20:3).

4. "As the Lord liveth and as my lord the king liveth." (II Sam. 15:21).

5. "As thy soul liveth." (I Sam. 1:26; 17:55).

Noteworthy are the many curses which are connected with the oath: "God do so to thee and more also." (I Sam. 3:17; 14:14); "The Lord require it" (I Sam. 20:16). "The Lord shall return thy wickedness upon thine own head." (I Kings 2:44; Numb. 24).

II. THE OATH AMONG OTHER NATIONS

The oath is in world-wide use. We find it among the ancient EGYPTIANS. They swore by Pharaoh and required a sentence of death for perjury.

The SCYTHIANS often combined an elaborate ceremony with their oaths. According to a report of Herodot, (Greek historian who died 425 B. C.), they poured wine into a jug, and mixed it with the blood of those who took the oath; a sword, arrows, javelin and battle ax were then dipped into the liquid; then they prayed and drank the mixture. Among them also perjury was punished by death. (K).

The Jews treated perjury differently. It was strictly prohibited but it was not considered and punished as an offense against the political state. The close relation between the person taking the oath and the oath itself to the omnipotent

God made the perjurer responsible to God only. The perjurer committed an offence against God, upon whom he had called as witness, and therefore the punishment of such an offence was left to God. (Exodus 20:7). The law provided that the offender should bring a guilt offering; other atonement was not required of him. (Lev. 5:1; 6:2).

Abraham probably learned the ritual of the oath from the Chaldees, which he later used himself. We get some valuable light on the oath among the BABYLONIANS and ASSYRIANS from the excavations of cities of these ancient nations. On the plates relating contracts, the place, time, and details of the oath are often given. From these sources it is evident that these ancient nations ordinarily considered an oath a serious matter. They usually went into the temple to take oaths. It was common to swear at the temple gate. (Other localities, are, however, also mentioned). According to some plates it was found that in the city of Ur, from which Abraham came, oaths were often sworn by the name of the king, in the temple of Nin-Mar-Ki.

Among the Persians, also, swearing was a very sacred ceremony, and was performed only with great reticence. The GREEKS and Romans emphasized especially the legal importance of the oath. "According to Lycurgus (the noted lawgiver of Sparta in the ninth century B. C.) the oath is the tendon that binds the state into a firm unit." (K)

Still other nations have other confirmations and oaths as well as those already mentioned. The forms and ceremonies, of course, differ widely. The Latins swore by Jupiter, while they held a sacred stone in their hand. The Greek prince swore while standing on a holy rock. The ancient Danes swore in the same manner. The old Prussians laid the right hand on the neck and with the left hand they touched a sacred oak and said, "May Perkun (the god of thunder) destroy me." The primitive people of Assam swear by taking a gun barrel, a spear, or the tooth of a tiger in the hand and say: "If I do not conscientiously fulfill what I have promised, these shall kill me." These and similar curses were probably in common use in old times when persons took oaths. Some of these rituals are found up to the present day. According to Wellhausen, (J. Wellhausen,

Reste Arabischen Heidentums, Berlin, 1897) swearing and cursing are closely related. The Hebrew word for "curse"—"alah" is frequently translated as "oath." Wherever the Bible uses "alah" and the more common "shebuah" together, the severity of the curse is intensified. Compare Numbers 5:21; I Kings 8:31; II Chron. 6:22; Neh. 10:28. (Hastings Enc.)

These severe curses have been supplanted more and more by the advancing civilization. In fact they are found only among primitive peoples, or in organizations in which these old ceremonies are a part of the ritual. The Enc. Brittanica states that the Ostjacs of Siberia bring the head of a bear into the courtroom, when they are to swear. The one taking the oath then must pretend to be eating, and must challenge the bear to lacerate him if he should take a false oath. In some tribes of India the natives step on the head of a tiger's fur, which is to say that the soul of the one taking the oath shall be changed into the soul of a tiger after death, in case he should swear falsely.

We find something similar in the Middle Ages in the laws governing the Jews in central Europe. The "Schwabenspiegel," a collection of laws from the thirteenth century, demands that a Jew must stand on a hog's skin while swearing. According to other laws, the Jew was forced to stand barefooted on a bloody sheep's skin while swearing. (Jewish Enc.). The curses connected with these Jewish oaths were terrible. The one taking the oath was obliged to summon upon himself all curses in the books of Numbers and Deuteronomy, the plagues of Egypt, the leprosy of Naaman and Gehazi, the fate of Dathan and Abiram, etc. It was only in 1555 when an imperial decree stopped these abuses. Today no such curses are required in civilized countries, but such expressions as "God damn me" have not died out yet.

In Kansas the form of the oath for officials is this: "I do solemnly swear (or affirm) that I will support the constitution of the state of Kansas, and faithfully discharge the duties of ..... So help me God." The oath which is used with the signature of an affidavit or naturalization papers, is this: "You do solemnly swear that the contents of this affidavit by you subscribed are true, so help you God."

The new German constitution cancelled the religious oath

on August 11, 1919, and substituted the so-called shortened oath. The form of the oath is simply, "I swear." The name of God does not occur in it any more. (Some other countries, for example France, have made the same change.) Formerly the form of the oath in Germany was: "I swear by God, the Almighty and Omniscient, that...." The closing words were then, "So help me God."

III. THE OATH IN THE CHRISTIAN CHURCH

Jesus speaks concerning the oath in Matt. 5:34-37: "But I say unto you, Swear not at all; neither by the heaven, for it is the throne of God; nor by the earth, for it is the footstool of his feet; nor by Jerusalem, for it is the city of the great King. Neither shalt thou swear by thy head, for thou canst not make one hair white or black. But let your speech be. Yea, yea, Nay, nay; and whatsoever is more than these is of the evil one."

Thru different conceptions of this teaching and of the words of James (5:12) the question of the oath has been interpreted in many different ways in the church. The views on this subject differ so widely that some call the oath "a divine service," "the highest confession to the living God," "an intensified prayer," and "a cure of human weakness," while others denounce it as sin.

How did the ancient Christians consider the oath?

The church fathers Justin the martyr (died 165), Irenaeus, bishop of Lyons (130-202), Chrysostemus, bishop of Constantinople and Basil (329-379), and others considered the oath forbidden. In accordance with Matt. 5 Justin the martyr resisted the oath with the words: "We Christians do not swear and always speak the truth as Christ taught it." (K). The martyr Appolonius (died 300) declares, "refusal to swear is the right thing. Truth is the greatest oath." This is what most of the church fathers thought. Many theologians have the same belief, even up to the present day.

Among the defenders of the oath the church father Augustin of Hippo Rhegius, North Africa (died 430) is certainly the most influential. The entire Catholic Church bases its teaching concerning the oath on his interpretation of the words of Christ. He denounces with holy sincerity all careless swearing, but

says "that the oath is required to the honor of God and that it is of great benefit to the state and one's neighbor." From his century we have in detail the form of an oath of the Emperor Justinion I (483-565), it is this: "I swear by the Almighty God and by his only begotten Son, our Lord Jesus Christ, and the Holy Spirit, and the holy and glorious Mother of God and virgin Mary, and by the four gospels, which I hold in my hand, and by the holy Archangel Michael and Gabriel, etc."

The popes and councils, as time went on, supported more and more resolutely the right and the duty of the oath, by referring principally to the Old Testament and considering the words of Jesus to have been said only of careless swearing.

Luther laid down the dogma for the Lutheran church. He comments on Matt. 5: "Of himself nobody shall curse or swear, except if he has God's Word for it, that he should curse and swear. To have the word of God, means to be commanded by my office and for its sake, or by those who keep an office. There the Scripture must be applied, Let every soul be subject to higher powers. For God has ordered the government in such a way that one should be bound to others in order to have all doubtful cases settled, decided, and dismissed by an oath, as this is expressed in the letter to the Hebrews. But you may reply, there is another command by Jesus Christ who says. "Swear not. . . ." You, you shall not do it out of yourself. Here not you are swearing but the judge who forces you to do it, and so in fact it means that he does it, and you are only the mouthpiece of the judge. Now, Christ neither commands nor forbids the government, but permits its administration to go as it shall and must go; but he forbids you to swear out of your own determination, impertinence or habit, just as he forbids you to draw the sword." (Luth. Theo. E.)

In this spirit the Heidelberg Catechism also answers the question: "Is it allowed to swear an oath by the name of God?" with the words: "Yes, if the authorities require it of their subjects, to uphold and promote loyalty and truth to God's honor and to the welfare of one's neighbors." (M. Les.)

This has remained the general teaching in the Protestant church since the Reformation. Only among the smaller reform groups do we find deviations from this. Some of these groups

are the Hussites, Waldenses, Albigenses, Cathari, Friends, and Mennonites.

IV THE OATH AND THE MENNONITES

As said before, we Mennonites are not the first and only denominations, who recognize in the words of Jesus an absolute prohibition of the oath.

It is noteworthy, that Philo, the Jewish philosopher from Alexandria, a contemporary of Jesus (20 B. C.--54 A. D.), protested against taking an oath. He argued the question from the point of simple reason: "Anyone who swears, brings upon himself the suspicion of a lack of truthfulness." He said it was more natural to human nature not to swear.

The Essenes, a religious group in Palestine, who numbered about 4000 members in the time of Jesus and lived the stringent life of monks, permitted the oath only in initiating new members into the group, but they prohibited it in communication with others. Josephus says of them: "They consider all their statements as more binding than an oath." (K). It is thought that John the Baptist belonged to them.

It seems that during the first two centuries the Christian church generally clung to the command of Jesus, but when it united increasingly with the state and made compromises with the society of that time, the interpretation of the teaching of Christ in regard to the oath slowly changed, until later Augustin established the doctrine of the legality and necessity of the oath.

What does Jesus really say in Matt. 5:34-37?

1. As the founder of a new covenant, Jesus gives his disciples the laws of the new covenant in the Sermon on the Mount. The coming of Jesus, his words, and his deeds included considerably more than the laws of Moses had given to the Israelites. Therefore Jesus also established a much higher standard for his followers in this program address (Matt. 5-7) for his kingdom on earth. We notice that this sermon is given to the disciples.

2. Jesus directs his command especially against the oath formulae of that time, in which the name of Jehovah was omit--

ted. These forms were very probably chosen by the leaders of the people because the objects mentioned in them were in close relation to Jehovah and therefore deserved more respect. The use of even these forms of the oath are prohibited by Jesus. From this fact we see that the oath by the name of God himself must still be more objectionable. If trifling things are prohibited, how much more the significant things.

3. Whoever is not satisfied with this logic, will notice the Greek word "holos," which means "generally", "not at all." "I say unto you, Swear not at all." This command leaves no doubt that Jesus prohibited all oaths. That is also how his disciple James understood him, for he writes "nor by any other oath." (James 5:12)

4. To this definite prohibition Jesus adds a new command, binding to the church, Let your speech be yea, which really means yea, and nay, which means nay; that is, speak and live in such a manner that your yea or nay is perfectly trustworthy and therefore inspires confidence. If it should happen that you must support your words with an oath, because they are not powerful in themselves or because your brethern doubt you, it is an indication of a poor spiritual condition, for whatsoever is more than yea or nay is of the evil. In practice it makes no difference if we consider the "evil" (poneros) here to be the devil, as many understand it, or only something evil; for in either case the devil is the cause.

During the Reformation the struggle began anew concerning this debated question, which the Catholic Church had more or less definitely decided. We have already learned Luther's attitude. Melanchton, Luther's co-worker, and Erasmus from Rotterdam, one of the most noted scholars of the 16th century, repudiated the oath. For us Mennonites the teaching of Menno has been and still is of fundamental importance.

Menno writes concerning the oath as follows (according to Kieferndorf) "Against those, who do not consider the oath in general prohibited by the words, 'Swear not at all,' but think it only a command against careless swearing, he writes in his 'Circular to Martin Micron': 'O God, what a miserable pity it is, that one could thus falsify the clear words of the Son of God. In consideration of these words of Christ all human laws and

rules concerning swearing of oaths must be silenced and annulled, such as there are: Juramentum calumae, juramentum de veritate dicenda, and how else they are called, they may be done as they will, if it be by words or by lifting of fingers, or by placing the hand upon the breast or a cross, or the New Testament; and the honest yea and nay must again take the place as the Lord himself commanded, if the authorities will not disobey and disregard the Lord's words as useless, for whatsoever exceeds the yea and nay is of the evil. We know well that the authorities say: One may rightfully swear if one represents the truth; to this we simply answer in the Lord's words: To swear rightly was permitted to the Jews under the law, but it is prohibited to Christians in the gospel—. Therefore remain loyal to your Lord's words, which have so clearly prohibited swearing, and let your yea and nay be an oath to you in life as well as in death, that you may convict the vain, fruitless, frivolous world through such Christian courage and constant honesty of its faithfulness and deceit, and admonish it to righteousness by your genuine yea and nay. Dear reader, if you are one of those who fear the Lord, and it should happen that you are forced to swear, ask the Highest for wisdom, frankness, and strength. Yield to no man in this matter, but exhort them in a fitting manner and love and remain loyal to the Lord's word, for it is more profitable to you that you take upon yourself the displeasure, disgrace and insults of men, and remain loyal to the truth, than that you become the friend of men and sin against God's word, as the pious John Huss confessed when he was forced to swear: 'I am afraid in all directions. If I swear I sin against God, and if I don't swear, I cannot escape your hands; but it is better than I fall into your hands, than that I should sin in the sight of God.' You see how much the oath meant to this worthy and honorable man. That this is the yea and amen of all true Christians is proved clearly by those who are persecuted in our Netherlands with frequent severe imprisonment, with confiscation of their property, with inhuman tortures and oppressions and with fire and sword, when at the same time they should escape all this by a word, if they would break their yea and nay; but as they are born of the truth, so they also walk in the truth and confess the truth even to death, as we may see in Flanders, Brabant, Holland, West Friesland

by many examples."

To this detailed exposition and admonition of Menno, we add a few creeds which had a deep influence on the question of the oath among the Mennonites. In this we follow the excellent comments of Lic. Theol. Emil Haendiges in his book, "Die Lehre der Mennoniten in Geschichte und Gegenwart."

"While already earlier than this scattered Anabaptists as Andreas auf der Stuelzen and George Llaurock had refused to swear an everlasting feud in connection with their banishment, the Anabaptists in general agreed to the following resolution at the conference at Schlatten am Rande on February 24, 1527; 'On the seventh we agreed on the question of the oath: The oath is a tie among those who quarrel or make promises, and it was required in the law, that it shall be taken only by the name of God, perfectly honest and not falsely. Christ who teaches the fulfillment of the law, prohibits all swearing to his followers, either rightly or falsely, neither by heaven, nor by the earth, nor by Jerusalem, nor by our head, and this for the reason he gives shortly afterwards in Matt. 5. Evidently, that is why all swearing is prohibited.

One hundred and five years later, on April 21, 1632, the convention of elders and deacons of Flaminen accepted a confession of faith by Adrian Cornelius at Dordrecht (the Dordrechter Bekenntnis) in which it speaks in the fifteenth article concerning the swearing of oaths: "Concerning the swearing of oaths we believe and confess that the Lord Jesus Christ dissuaded and prohibited his followers, namely, that they should not swear in any manner, but that yea should be yea, and nay, nay. From this we realize, that each important or trifling oath is prohibited, and that instead all our promises, agreements and confederations, yes, all our explanations or testimonies of any matter are to be given only with our words: Yea, in that which is yea, any nay in that which is nay, which we must also therefore continually and in all things truly fulfill, keep, follow, and comply with to all men the same as if we had sworn it with a severe oath. If we do this, we have the assurance that nobody, yes, not even the authorities, will have just reason to burden our minds and consciences any more.

"Again, a century passed before the Anabaptists were given

another confession of a pervading influence, through the work of Cornelius Ris, 1766. "In a significant way he enters warmly into the controversy about New Testament passages often quoted as justifying the oath. This is found especially in his authentic comments which are found in his original German edition. Ris said that under the 'Mosaic regime' God did not give the oath as a moral command, but He only determined the actions of those who took the oath. So we see that the swearing of oaths 'took place' only 'by toleration,' as the divorces, principally 'on account of the unkindness, the suspicion, and the rapid increase of the corruption of man; that is the reason, then, why the Lord Jesus, in order to abolish again this infraction of the first intention of God in his spiritual and heavenly kingdom, entirely prohibited swearing, and not only the careless and proverbial swearing, but every oath."

This doctrine of Ris had its influence on all following generations and served as basis for most of the later creeds. In closing we give the creed which was worked out by the General Conference of the Mennonites in North America in 1929. It reads as follows:

The Oath, though devoutly performed by the patriarchs, even spoken by God Himself, according to the Scriptures and history, seems not to have been in the original divine plan, but adopted by, and deeply rooted into the heart of man because of man's inclination to misrepresent a matter and deviate from the truth, and only permitted by God like the divorce, because of the hardness of their heart.

We, therefore, believe that a Christian should abstain from any and all forms of oath as well as profanity and idle words, and a false affirmation which is justly regarded as perjury. The oath establishes a low standard of truthfulness, and is an insult to a Christian who is supposed to speak the truth always, and who is forbidden to take the name of God in vain. Besides, the law does not require the oath of us. Those of us who have an office that ordinarily requires the administration of an oath to others, should serve only as a witness instead, and not as a partaker in swearing.